

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 333 OF 2007

Kailash Haribhau Kadam ..Applicant  
V/s  
The State of Maharashtra ..Respondent.

Mr. S.A. Ingawle, Advocate for the applicant.  
Mr. Y.S. Shinde, APP for the State.

**CORAM : J.H. BHATIA, J.**

DATE : 23RD FEBRUARY, 2007.

P.C.

1. Heard Mr. Ingawle, learned Counsel for the applicant and Mr. Shinde, learned APP for the State. The applicant seeks to be released on bail in Crime No. 4/2006 registered at Aundh Police Station for the offence punishable under Section 302, 307, 323, 504 r/w section 34 Indian Penal Code. Perused the police papers.

2. Prosecution case, in brief, is that on a minor dispute arising out of the objection taken by the deceased about drawing water, the present applicant gave a blow on his head with rear side of the spade causing

bleeding injury. He also assaulted grandson of the deceased Rajaram. Immediately after the incident Rajaram was taken to the hospital. F.I.R. was lodged by the grandson Sandip More. After 7 days Rajaram died because of the head injuries. There are number of witnesses to the incident. Clearly the fatal blow is attributed to the present applicant.

3. It may noted that earlier the present applicant had filed the Criminal Application No.3831/2006 and the same was withdrawn on 20th October, 2006 presumably because the Court was not inclined to grant bail. There is no change of circumstances thereafter. Merely because the accused is in custody for about one year, the bail cannot be granted.

4. The application stands rejected. The trial Court shall expedite the trial and dispose off the matter, as early as possible.

**(J.H. BHATIA, J.)**

